



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jonathan S. Stamler and Alfred Hausladen

Application No.: 09/756,478 Group: 1654

Filed: January 8, 2001 Examiner: B. Dell Chism

Confirmation No.: 7552

For: THERAPIES USING HEMOPROTEINS

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

2/27/06

Date

Judith K. Sherman

Signature

Judith K. Sherman

Typed or printed name of person signing certificate

ISSUE FEE TRANSMITTAL AND PAYMENT OF FEES

Mail Stop ISSUE FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants' Attorney had received a Notice of Allowance, dated December 28, 2004, in the referenced application, and the Issue Fee, Publication Fee and fee for fifteen advance copies were submitted to the USPTO, together with the Issue Fee Transmittal and newly-executed Small Entity Statement, on March 10, 2005, under a Certificate of Mailing. Subsequently, the USPTO withdrew the application from issue and returned it to the Examiner for further prosecution. A Request for Refund Under 37 CFR 1.26(b) was mailed to the USPTO on March 23, 2005.

The USPTO has now issued a new Notice of Allowance, dated February 7, 2006. The Notice of Allowance indicates that there are no fees due for the Issue Fee or the Publication Fee.

Since the required fees, in the amount of \$1,045.00, which includes the small entity Issue Fee, the Publication Fee and fee for 15 advance copies, have already been submitted and a check of our Deposit Account indicates that the USPTO has not yet processed our Request for a refund, Applicants' Attorney respectfully requests that the USPTO disregard our Request for a Refund and apply the previously paid fees at this time.

Form PTOL-85 is enclosed indicating that all fees have been paid. However, the Patent Office is authorized to charge any deficiencies in these fees, or credit any overpayment, to Attorney Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By David E. Brook

David E. Brook

Registration No. 22,592

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 2/27/06